

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**ACUMENT GLOBAL TECHNOLOGIES,
INC.,**

Plaintiff,

V.

**MALLINCKRODT ARD INC.,
MALLINCKRODT PLC, EXPRESS SCRIPTS,
INC., EXPRESS SCRIPTS HOLDING CO.,
CURAScript, INC., CURAScript, SD,
PRIORITY HEALTHCARE CORP.,
PRIORITY HEALTHCARE DISTRIBUTION,
INC., ACCREDO HEALTH GROUP, INC.,
UNITED BIOSOURCE CORP., and JAMES A.
TUMLIN,**

Defendants.

No. 2:21-cv-02024-JTF-TMP

**NOTICE OF SIGNED ORDER AND BENCH RULING OF THE BANKRUPTCY
COURT EXTENDING THE INJUNCTION OF PROCEEDINGS**

Defendants Mallinckrodt ARD LLC f/k/a Mallinckrodt ARD Inc. and Mallinckrodt plc (collectively, “Mallinckrodt”) and Express Scripts Holding Co., Express Scripts, Inc., CuraScript, Inc. d/b/a CuraScript SP Specialty Pharmacy, Priority Healthcare Corp., Priority Healthcare Distribution, Inc. d/b/a CuraScript SD, Accredo Health Group, Inc., and United BioSource LLC f/k/a United BioSource Corp. (collectively, the “Express Scripts Entities,” and together with Mallinckrodt, “Defendants”) hereby provide this Court notice that, on August 30, 2021, Judge John T. Dorsey of the U.S. Bankruptcy Court for the District of Delaware entered an order, pursuant to Section 105 of the Bankruptcy Code, extending for an additional 90 days, through and including November 30, 2021, the injunction enjoining the prosecution of Acthar-related litigation. This includes the above-captioned action against the Express Scripts Entities and all other

defendants. *Mallinckrodt PLC et al., v. State of Connecticut, et al.*, Adv. Pro. No. 20-50850 (“*Adv. Proceeding*”), ECF No. 253 (attached hereto as Exhibit 1).

Counsel for Plaintiff had previously filed in the Bankruptcy Court a Motion to Lift Preliminary Injunctions, *Adv. Proceeding*, ECF No. 214, and Motions for Relief from the Automatic Stay, *In re Mallinckrodt PLC, et al.*, Case No. 20-12522, ECF Nos. 524, 2366, 3939. Those motions sought to lift the preliminary injunction and/or to allow litigation in the above-captioned action and other related cases to move forward, notwithstanding the bankruptcy stay and preliminary injunction enjoining the prosecution of such Acthar-related litigation. *Id.* Those motions have since been taken off-calendar by Judge Dorsey in the Bankruptcy Court, to be heard at some later date after Mallinckrodt’s Chapter 11 plan confirmation hearing, which will begin on or after September 21. *See* Aug. 26, 2021 Hr’g Tr. 30:14-32:11 (attached hereto as Exhibit 2); *In re Mallinckrodt PLC, et al.*, Case No. 20-12522, ECF No. 4191.

Finally, Defendants wish to provide a brief update to the Court on the status of Mallinckrodt’s pending motions to transfer. Three courts have now granted Mallinckrodt’s motions to transfer, one court has denied Mallinckrodt’s motion as moot, and four other motions to transfer remain pending. The *IUOE Local 542* action was formally transferred to the District of Delaware on May 5, 2021. *See Int’l Union of Operating Eng’rs Local 542 v. Mallinckrodt ARD Inc.*, Case No. 1:21-cv-00647-MN (D. Del.), Dkt. 17, 24. The *Humana* action, which does not name any Express Scripts Entity as a defendant, was formally transferred to the District of Delaware on June 29, 2021. *See Humana Inc. v. Mallinckrodt ARD LLC*, Case No. 1:21-cv-00924 (D. Del.), Dkt. 99, 100. The *Plumbers Local 322* action was ordered “transferred to the District Court for the District of Delaware so that the Bankruptcy Court can decide this matter” on August 23, 2021. *See United Ass’n of Plumbers & Pipefitters Local 322 of S. N.J. v. Mallinckrodt ARD*,

LLC, et al., Case No. 1:20-cv-00188-RBK-KMW (D.N.J.), Dkt. 112. The court in the *HCSC* action granted HCSC's motion to remand its case to state court, denying as moot the Mallinckrodt Defendants' motion to transfer. *Health Care Services Corp. v. Mallinckrodt ARD LLC, et al.*, Case No. 3:21-cv-165 (N.D. Cal.), Dkt. 38. The Mallinckrodt Defendants' motions to transfer remain pending in the instant action, *City of Rockford v. Mallinckrodt ARD Inc., et al.*, Case No. 3:17-cv-50107 (N.D. Ill.), *MSP Recovery Claims Series LCC, et al., v. Mallinckrodt ARD Inc., et al.*, Case No. 3:20-cv-50056 (N.D. Ill.), and *Steamfitters Local Union No. 420 v. Mallinckrodt ARD LLC, et al.*, Case No. 2:19-cv-03047-BMS (E.D. Pa.). The parties will advise the Court if any of those pending motions are decided.

Dated: September 13, 2021

Respectfully submitted,

s/ Sonia K. Pfaffenroth

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2021, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, and sent via email to the following.

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